

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LYNNWOOD PERRY, formerly an)
inmate at the Allegheny County Jail,)
Plaintiff)
)
vs.) Civil Action No. 05-1757
) Judge Arthur J. Schwab/
THE COMMONWEALTH OF) Magistrate Judge Amy Reynolds Hay
PENNSYLVANIA; THE)
COMMONWEALTH OF)
PENNSYLVANIA BOARD OF)
PROBATION AND PAROLE;)
CATHERINE C. McVEY, Chairman,)
Pennsylvania Board of Probation and)
Parole; DAVID SEDON, Agent,)
Pennsylvania Board of Probation and)
Parole; THE COUNTY OF ALLEGHENY;)
THE ALLEGHENY COUNTY JAIL;)
RAMON C. RUSTIN; WILLIAM L.)
EMERICK,)
Defendants)

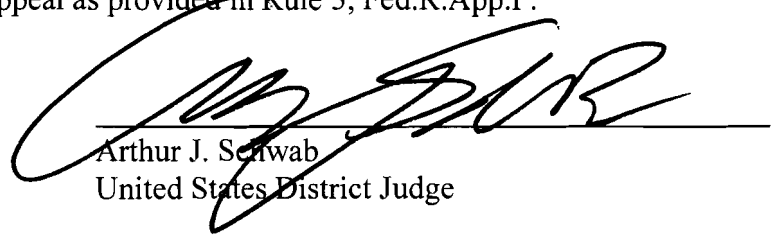
ORDER

AND NOW, this ¹⁴~~12~~ day of December, 2006, after the plaintiff,

Lynnwood Perry, filed an action in the above-captioned case, and after a Motion to Dismiss Amended Complaint was filed by Defendants William L. Emerick, the County of Allegheny, Allegheny County Jail, and Ramon Rustin, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and objections having been filed by Defendants William L. Emerick, the County of Allegheny, Allegheny County Jail, and Ramon Rustin, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendants Allegheny County, the Allegheny County Jail, Ramon C. Rustin, and William L. Emerick, is denied..

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the defendants desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



Arthur J. Schwab
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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